

## SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

### PART 913—SIMPLIFIED ACQUISITION PROCEDURES

#### Subpart 913.3—Simplified Acquisition Methods

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913.307 Forms.

#### Subpart 913.4 [Reserved]

AUTHORITY: 42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

SOURCE: 67 FR 14871, Mar. 28, 2002, unless otherwise noted.

#### Subpart 913.3—Simplified Acquisition Methods

##### 913.307 Forms.

(b) Optional Forms 347 and 348, or DOE F 4250.3, may be used for purchase orders using simplified acquisition procedures. These forms shall not be used as the contractor's invoice. See 48 CFR 12.204 regarding the use of SF-1449 for the acquisition of commercial items using simplified acquisition procedures.

#### Subpart 913.4 [Reserved]

### PART 914—SEALED BIDDING

#### Subpart 914.4—Opening of Bids and Award of Contract

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914.502 Conditions for use.

AUTHORITY: 42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

SOURCE: 49 FR 11954, Mar. 28, 1984, unless otherwise noted.

### Subpart 914.4—Opening of Bids and Award of Contract

#### 914.404 Rejection of bids.

##### 914.404-1 Cancellation of invitations after opening.

(c) The Senior Procurement Executives have been delegated authority to make the determination under 48 CFR 14.404-1(c) and (e) and has redelegated this authority to the Heads of Contracting Activities without power of redelegation.

[50 FR 12184, Mar. 27, 1985, as amended at 74 FR 36363, July 22, 2009; 76 FR 7692, Feb. 11, 2011]

#### 914.407 Mistakes in bids.

##### 914.407-3 Other mistakes disclosed before award.

(e) Pursuant to 48 CFR 14.407-3(e), the Senior Procurement Executives have been delegated authority by the Secretary to make the determinations under 48 CFR 14.407-3. In the case of mistakes in bids alleged after opening of bids and before award, the Senior Procurement Executives have redelegated this authority to the Heads of Contracting Activities without power of redelegation and to make administrative determinations regarding withdrawal of bids as provided for in 48 CFR 14.407-3, providing that each such determination shall be approved by Legal Counsel.

[49 FR 11954, Mar. 28, 1984, as amended at 56 FR 41964, Aug. 26, 1991; 59 FR 9105, Feb. 25, 1994. Redesignated and amended at 67 FR 14871, Mar. 28, 2002; 74 FR 36363, July 22, 2009; 76 FR 7692, Feb. 11, 2011]

##### 914.407-4 Mistakes after award.

The Senior Procurement Executives have been delegated authority to make the determinations under 48 CFR 14.407-4. Mistakes in bids after award, together with the data set forth in 48 CFR 14.407-4(e), shall be submitted to

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the appropriate Senior Procurement Executive for decision.

[49 FR 11954, Mar. 28, 1984. Redesignated and amended at 67 FR 14871, Mar. 28, 2002; 74 FR 36363, July 22, 2009; 76 FR 7692, Feb. 11, 2011]

### 914.409-2 Award of classified contracts.

DOE regulations regarding the safeguarding of restricted data and procedures for its destruction are contained at 10 CFR part 1016.

[49 FR 11954, Mar. 28, 1984, as amended at 59 FR 9105, Feb. 25, 1994. Redesignated at 74 FR 36363, July 22, 2009]

### Subpart 914.5—Two-Step Sealed Bidding

#### 914.502 Conditions for use.

(c) Use of the two-step sealed bidding method shall be approved by the Head of the Contracting Activity. The contracting officer shall submit a written request for approval justifying its use in accordance with 48 CFR 14.502.

[50 FR 12184, Mar. 27, 1985, as amended at 76 FR 7692, Feb. 11, 2011]

## PART 915—CONTRACTING BY NEGOTIATION

### Subpart 915.2—Solicitation and Receipt of Proposals and Information

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915.207 Handling proposals and information.

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915.404-4-70 DOE structured profit and fee system.

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915.404-4-70-4 Exceptions.

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915.404-4-71 Profit and fee-system for construction and construction management contracts.

915.404-4-71-1 General.

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915.408 Solicitation provisions and contract clauses.

915.408-70 Solicitation provision and contract clause.

### Subpart 915.6—Unsolicited Proposals

915.602 Policy.

915.603 General.

915.605 Content of unsolicited proposals.

915.606 Agency procedures.

915.607 Criteria for acceptance and negotiation of an unsolicited proposal.

AUTHORITY: 42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

SOURCE: 63 FR 56851, Oct. 23, 1998, unless otherwise noted.

### Subpart 915.2—Solicitation and Receipt of Proposals and Information

#### 915.200 Scope of subpart.

The 48 CFR subpart 15.2 is not applicable to Program Opportunity Notices for Commercial Demonstrations (See subpart 917.72) or Program Research and Development Announcements (See subpart 917.73).

[74 FR 36363, July 22, 2009]

#### 915.201 Exchanges with industry before receipt of proposals.

(e) Approval for the use of solicitations for information or planning purposes shall be obtained from the Head of the Contracting Activity.